

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Next Insurance US Company

v.

Case No. 24-cv-17-SE-TSM

Scott Courtemarche, et al

ORDER

No objection having been filed and after the benefit of argument from counsel for Next Insurance US Company ("Next Insurance") on April 7, 2025, the court herewith approves the Report and Recommendation of Magistrate Judge Talesha L. Saint-Marc dated February 14, 2025 (doc. no. 23), partially on different grounds. For the reasons stated in the R&R, the court approves the portion of the R&R recommending that the court declare that Next Insurance has no duty to defend or indemnify Courtemarche or Scoco Family Home Builders, LLC (collectively, the "Scoco Defendants") under the Commercial General Liability Policy (the "CGL Policy") in the underlying state court lawsuit filed by the Halcarzes. However, the court approves the portion of the R&R recommending that the court declare that Next Insurance has no duty to defend or indemnify the Scoco Defendants in that suit under the Contractors Errors and Omissions Coverage endorsement (the "E&O Endorsement") for the reasons stated in Next Insurance's motion for declaratory judgment (Doc. No. 21) rather than for the reasons stated in the R&R. The court grants the motion for declaratory judgment. The clerk shall enter judgment declaring that Next Insurance owes no duty to defend or indemnify Scott Courtemarche or Scoco Family Home Builders, LLC under the CGL Policy or the E&O Endorsement and close

the case.

A handwritten signature in dark ink, appearing to read 'SDElliott', written over a horizontal line.

Samantha D. Elliott
United States District Judge

Date: April 7, 2025

cc: Counsel of Record